

## **INVESTIGATIVE AND ENFORCEMENT SERVICES**

### **PROGRAM PROFILE**

<b>Goal</b>	To provide a high quality investigative and enforcement service to ensure widespread compliance with laws and regulations administered by APHIS.
<b>Enabling Legislation</b>	7 USC 149 (Mexican Border Act), 7 USC 150 (Plant Pests and Quarantine), 7 USC 163 (Plant Quarantine Act), 7 USC 282 (Honeybee Act), 7 USC 1596 (Federal Seed Act), 7 USC 2149 (Animal Welfare Act), 7 USC 2807 (Federal Noxious Weed Act), 7 USC 3806 (Swine Health Protection Act), 15 USC 1825 (Horse Protection Act), 16 USC 1540 (Endangered Species Act), 21 USC 114 (Animal Industry Act), 21 USC 158 (Virus Serum Toxin Act).
<b>Economic Significance</b>	Significant economic losses are prevented through widespread voluntary compliance with interstate and international animal and plant health regulations; illegal movements of animals, plants, or agricultural pests are investigated to limit potential spread of diseases or pests; enforcement actions are pursued as a deterrent to further violations.
<b>Principal Approach And Methods Used to Achieve Goals</b>	Cadre of highly trained field investigators and staff specialists support investigative and enforcement needs of APHIS program units, principally VS; PPQ; and Animal Care. Investigative and Enforcement Services (IES) field personnel conduct investigations, track unresolved violation cases, and coordinate investigative efforts within APHIS and with other Federal/State agencies. Field personnel also gather information for 1 APHIS units and provide training to APHIS inspectors in documenting violations/collecting evidence. Headquarters (HQ) staff coordinate enforcement actions on a national basis, reviewing and processing cases for formal administrative action or criminal prosecution. HQ staff develop uniform penalty guidelines for resolving cases, collect civil penalties, and coordinate

activity between APHIS units and USDA Office of General Counsel (OGC). Staff also provide advice on enforcement issues in APHIS rulemaking and program planning activities.

## **History**

Legislation cited above and applicable regulations provide criminal and civil penalties for violations. In 1988, agency investigative and enforcement activities previously carried out in various program units were centralized in Regulatory Enforcement and Animal Care. IES became separate unit under Management and Budget in FY 1997. In addition to handling investigations and coordinating formal prosecutions, IES has authority to resolve violation cases informally at the Agency level through stipulations.

## **State and Local Cooperation**

IES works closely with State and local animal and plant health officials to identify violations and coordinate enforcement actions. Because violations of Federal laws and regulations routinely impact State programs, IES investigators work cooperatively with State and local law enforcement agencies to coordinate enforcement efforts.

## **Involvement of Other Agencies**

IES works closely with numerous Federal agencies in enforcement effort. Within USDA, IES interacts with OGC, Office of Inspector General, Agricultural Marketing Service, Food Safety and Inspection Service, and Grain Inspection, Packers & Stockyards Administration. Outside USDA, IES cooperates with Fish & Wildlife Service, Customs Service, Immigration and Naturalization Service, U.S. Attorney's Office, U.S. Marshals Service, and other law enforcement agencies.

## **RECENT ACCOMPLISHMENTS**

### **Ensuring Compliance**

IES employs professional field investigators and staff specialists to ensure compliance with Agency regulations through a combination of sound enforcement and strong educational efforts. Activities

include investigation of violations, collection of evidence, issuance and collection of civil penalties, and development of alleged violation cases for formal prosecution.

## **Staff**

At the start of FY 1999, IES employed 55 field investigators stationed throughout the United States. A staff of three compliance specialists and three case examiners at headquarters handle agency-level enforcement including issuance and collection of civil penalty stipulations.

## **Timeliness and Quality**

APHIS continues to work to improve the timeliness and quality of investigations despite a continuing increase in the number of violations. In this regard, the Agency has made important progress in tracking cases through the implementation of a headquarters based online computer system. This system enables all investigators, regardless of where stationed, to enter data directly into the system with a laptop or personal computer.

## **Plant Quarantine Investigations**

IES conducted 770 investigations involving plant quarantine violations in FY 1998 resulting in the closure of 484 cases and the collection of more than \$116,000 in civil penalties. Many of these investigations involved false phytosanitary certificates being used to move produce between Mexico, TX, and CA, and smuggling of prohibited fruits and vegetables contaminated with plant pests. The largest number of cases involved Hawaii mail violations (133 cases), military mail violations (90 cases), cargo, notification, and garbage violations (126 cases), and baggage violations (286 cases). Investigators work very closely with other APHIS personnel on investigations, market blitzes, cross training, task forces, search warrants, planning, case prioritization, and communication.

## **Animal Health Investigations**

APHIS conducted 952 investigations involving animal health programs in FY 1998, resulting in 484 violation cases. A total of 534 administrative and 7 criminal actions were taken during the year as a result

of animal health cases investigated by IES. In addition, several hundred administrative actions were taken on animal health program violations disclosed at the border ports by APHIS PPQ inspectors. The alleged violations were concentrated in veterinary accreditation, animal identification, brucellosis, pseudorabies, and import/export programs. Slightly more than half of the animal health domestic program cases handled by IES involved veterinary accreditation violations. Most of these were disclosed by VS personnel and involved the illegal movement of horses, birds, or animal products.

### **Animal Care Investigations**

IES Staff conducted 416 animal care investigations in FY 1998, resulting in 124 formal cases. APHIS also issued 219 letters of warning for animal care and settled 52 cases with formal action. Several high-priority and significant cases were resolved, including Scotch Plains Zoo, Alamo Tiger Ranch, Hawthorn Corporation, Huntingdon Life Sciences, American Airlines, and USAir. In the latter two settlements, both airlines agreed to fund research (\$25,000 each) into the humane transportation of animals--one example of an increasing emphasis on innovative settlements. Also, a 3-year joint investigation conducted by APHIS investigators and the Texas Department of Public Safety resulted in the breakup of a four-State dogfighting ring and charging 29 people with violations of the Animal Welfare Act. Criminal violations of the AWA are punishable by imprisonment for up to 1 year and fines not to exceed \$100,000 for each count of conviction.

## RESOURCE DATA

	-----Obligations-----				
	<u>Direct</u>	<u>Reimbursement</u>	<u>User Fees</u>	<u>Staff-Years</u>	
FY 1996	5,892,726	65	--	107	
FY 1997	5,781,600	119	--	79	
FY 1998	5,934,000	85	--	79	
FY 1999 (est.)	5,855,000	58	--	78	
FY 2000 (est.)	6,116,000	58	--	80	
	<u>APHIS</u>	<u>Coop.</u>	<u>Total</u>	<u>CCC</u>	<u>Contingency Fund</u>
Cumulative	46,984,584	--	46,984,584	--	88,000



